

ORDINANCE 15-12

AN ORDINANCE TO AMEND A VARIETY OF PROVISIONS OF THE WESTFIELD-WASHINGTON TOWNSHIP UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the City of Westfield, (the “City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the “Council”); and,

WHEREAS, it is the duty and the responsibility of the City to administer the Westfield-Washington Township Unified Development Ordinance (the “UDO”) throughout the City and Washington Township Indiana through a Joinder Agreement; and,

WHEREAS, from time to time it becomes necessary to amend and revise the UDO, and pursuant to I.C. § 36-7-4-602 and I.C. § 36-7-4-701, the City is authorized to amend the UDO; and

WHEREAS, the Westfield-Washington Township Advisory Plan Commission forwarded Petition No. 1506-ZOA-01 to the Council with a _____ recommendation in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the following provisions of the Unified Development Ordinance are amended as follows:

Section 1. **Article 6.8(J) Landscaping Standards; Street Trees** shall be amended as follows:

J. Street Trees: Street Trees shall be required in accordance with the following, and the placement standards set forth herein:

1. Requirement: Street Trees shall be required within the right-of-way of all new or re-developed Local Streets (public or private) within Residential Districts Major Subdivisions. Street Trees shall only be required on one side of a Residential Frontage Road. Please note that the [Westfield Code of Ordinance; Chapter 34-141 et seq.](#), as amended, also applies within the City’s corporate limits.
2. Location: Street Trees shall be located within the Right-of-way shall be installed in a minimum eight-foot (8’) wide planting strip between the curb and sidewalk in accordance with the City’s Construction Standards (see also Article 7.3 Principles and Standards of Design). If the Director determines conditions inhibit the planting of the Street Tree within the Right-of-way, the Street Tree is not planted within the Right-of-way, then the Street Trees shall be planted on the adjacent Lot or Common Area within ten (10) feet of the Right-of-way; however, the Street Tree shall not be credited towards that Lot or Common Area’s Minimum Lot Landscaping Requirements.

3. Spacing: Street Trees shall be required an average of every fifty (50) feet; however, the Street Trees may be spaced at a maximum spacing of sixty (60) feet but at a minimum spacing of twenty-five (2025) feet. In addition to the placement standards of this Article, Street Trees shall also be planted a minimum of ten (10) feet away from Driveways, Alleys, fire hydrants, mailboxes and other similar improvements.
4. Front Yard and Lot Size Reductions: If a Lot is adjacent to a Right-of-way that includes Street Trees within the Right-of-way in accordance with this section, then the Lot's Minimum Lot Size and Front Yard Minimum Building Setback Line may be reduced in accordance with Article 6.10 Lot Standards and Article 6.16 Setback Standards, respectively.
5. Maintenance: The maintenance of Street Trees shall be the responsibility of the development's property management group, homeowners' association or other similar legal entity, and the association's or entity's declaration of covenants and restrictions shall include provisions for the maintenance and replacement of Street Trees. In the absence of a homeowners' association, then the maintenance of Street Trees shall be the responsibility of the owner of the adjacent Lot.
6. Street Tree Species: Permitted Street Tree species shall be as set forth in the City's Construction Standards (see Article 7.3 Principles and Standards of Design).

Section 2.

Article 6.10 Lot Standards shall be amended to add a section (E) as follows: "E. Minimum Lot Size (Street Trees): If a Lot is adjacent to a Right-of-way that includes Street Trees within the Right-of-way in accordance with Article 6.8 Landscaping Standards, then the Lot's Minimum Lot Size, as established by the District in which the Lot is located, may be reduced. The permitted reduction in Minimum Lot Size shall be the Lot's Lot Frontage multiplied by three (3) feet."

Section 3.

Article 6.16 Setback Standards shall be amended to add a section (I) as follows: "I. Front Yard Building Setback Lines (Street Trees): If a Lot is adjacent to a Right-of-way that includes Street Trees within the Right-of-way in accordance with Article 6.8 Landscaping Standards, then the Lot's Front Yard Minimum Building Setback Line, as established by the District in which the Lot is located, shall be reduced by three (3) feet; however, the Lot's minimum Driveway length shall be twenty (20) feet, as measured from the Right-of-way line."

Section 4.

Article 10.7(G)(4) Processes & Permits; Development Plan Review; Application Documentation and Supporting Information; Landscape Plan shall be amended as follows: "4. Landscape Plan: A Landscape Plan in accordance with Article 6.8 Landscaping Standards, shall be required as part of any Development Plan. Landscape Plans for Overall Development Plans shall generally detail perimeter areas, Buffer Yards, common areas, entryways,

Street Trees, and any other Open Space as deemed appropriate by the Plan Commission or Director. Landscape Plans for a Detailed Development Plan shall generally be site or Lot specific showing compliance with Parking Area areas, Buffer Yards, Street Trees, and on-site or foundation requirements.

Section 5. **Article 6.1(H) Accessory Use and Building Standards; Screening of Receptacles and Loading Areas** shall be amended as follows:

- A. **Article 6.1(H)(3)** shall be amended as follows: “3. Screening methods shall include a solid enclosure on all sides not less than six (6) feet in height above grade or two (2) feet above the receptacle, whichever is greater. The solid enclosure shall be a Masonry Material that matches or complements the Principal Building.”
- B. **Article 6.1(H)(6)** shall be amended as follows: “6. ~~Man doors which do not include swinging, moveable doors are encouraged to provide~~ Enclosures shall have separate pedestrian access openings that are configured to conceal the dumpster from view for daily access to dumpster for waste disposal. See Pedestrian access openings shall be substantially similar to those illustrated in FIGURE 6.1(3): DUMPSTER MAN-DOORS.”

Section 6. **Article 6.8(H)(2) Landscaping Standards; General Screening Standards; Dumpster and Loading Areas** shall be amended as follows:

2. Dumpster Service and Loading Areas: ~~Dumpster enclosures, trash pads,~~ Loading areas, loading docks, service areas, and maintenance areas shall be screened from residential uses and Rights-of-way. Screening shall be achieved by using either: (i) a six (6) feet high, completely opaque fence or wall; (ii) a six (6) feet high berm; (iii) a six (6) feet high screen of evergreen trees planted nine (9) feet on center in a double staggered row; or (iv) a combination of the aforementioned that accomplishes the same effect. See also *Article 6.1 Accessory Use and Building Standards* regarding dumpster enclosures.

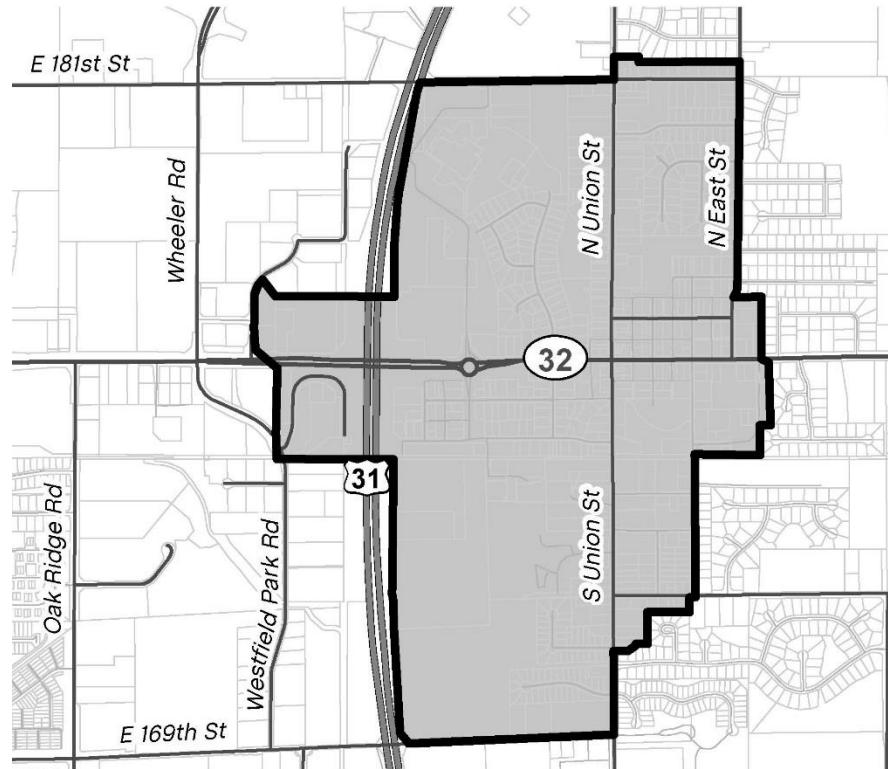
Section 7. **Article 6.3(F)(11)(c) Architectural Standards; Business Districts; Gasoline Service Station Canopies; Roof Design** shall be amended as follows:

- c. Roof Design: A canopy shall include a pitched or sloped roof design with a minimum height of two and one half (2.5) times the width of the canopy fascia.

Section 8. **Article 9.4 Nonconforming Regulations; Nonconforming Lots of Record**
shall be amended as follows:

- B.** Add a Section (B) as follows: “A Legal Nonconforming Lot within the geographic area identified in FIGURE 9.4(1): DOWNTOWN AREA may be: (i) used as permitted by the Zoning District in which the Lot is located; and (ii) built upon, only if the Lot and improvements otherwise comply with all other standards of this Ordinance.”

FIGURE 9.4(1): DOWNTOWN AREA



- C.** Amend Section (B), which shall be renumbered as Section (C) as follows: “A Legal Nonconforming Lot not within the geographic area identified in FIGURE 9.4(1): DOWNTOWN AREA may be: (i) used as permitted by the Zoning District in which the Lot is located; and (ii) built upon, only if the Lot and improvements otherwise comply with all other standards of this Ordinance, provided that:
1. The Property Owner of said parcel does not own, in whole or in part, sufficient adjacent land to enable the parcel to conform to the dimensional and acreage requirements of this Ordinance;
 2. The Lot Width is no less than one hundred (100) feet; and
 3. The Lot Area is no less than one (1) acre.”

Section 9. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts undertaken to in creation of this Ordinance are hereby ratified.

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____, 2015.

WESTFIELD CITY COUNCIL

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
_____ Jim Ake	_____ Jim Ake	_____ Jim Ake
_____ Steven Hoover	_____ Steven Hoover	_____ Steven Hoover
_____ Robert L. Horkay	_____ Robert L. Horkay	_____ Robert L. Horkay
_____ Charles Lehman	_____ Charles Lehman	_____ Charles Lehman
_____ Robert J. Smith	_____ Robert J. Smith	_____ Robert J. Smith
_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric	_____ Cindy L. Spoljaric
_____ Robert W. Stokes	_____ Robert W. Stokes	_____ Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 15-12 was delivered to the Mayor of Westfield

on the _____ day of _____, 2015, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 15-12

this _____ day of _____, 2015.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 15-12

this _____ day of _____, 2015.

J. Andrew Cook, Mayor